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## RAJYA SABHA

The following Report of the Joint Committee of the Houses of Parliament on the Bill to provide for free and compulsory primary education for children in the Union territory of Delhi was presented to the Rajya Sabha on the 8th August, 1960.

### COMPOSITION OF THE JOINT COMMITTEE

#### *Members*

#### Rajya Sabha

1. Diwan Chaman Lall—*Chairman*
2. Dr. W. S. Barlingay
3. Dr. Raghubir Singh
4. Shri M. Govinda Reddy
5. Shrimati Chandravati Lakhanpal
6. Dr. Nihar Ranjan Ray
7. Shri A. Balarami Reddy
8. Shri Hira Vallabha Tripathi
9. Shri Bibudhendra Misra
10. Kumari Shanta Vasisht
11. Prof. A. R. Wadia
12. Shri Lalji Pendse
13. Shri Mukut Bihari Lall
14. Mirza Ahmed Ali
15. Dr. K. L. Shrimali

*Lok Sabha*

16. Shri Amjad Ali
17. Shri M. Ayyakannu
18. Shri Chuni Lal
19. Shri Shankarrao Khanderao Dige
20. Shri V. Eacharan
21. Shri Aurobindo Ghosal
22. Shri Kanhu Charan Jena
23. Shri Nemi Chandra Kasliwal
24. Shri Chhaganlal M. Kedaria
25. Shri N. Keshava
26. Shri Baij Nath Kureel
27. Shri Nibaran Chandra Laskar
28. Shri N. B. Maiti
29. Shri Ram Chandra Majhi
30. Shri Jiyalal Mandal
31. Shrimati Minimata Agamdas Guru
32. Shri R. Govindarajulu Naidu
33. Shri C. Krishnan Nair
34. Shri P. K. Vasudevan Nair
35. Shri Naval Prabhakar
36. Shri Ram Saran
37. Shri Devulappali Venkateswar Rao
38. Shri Bhola Raut
39. Shrimati Renuka Ray
40. Shri Birbal Singh
41. Dr. M. V. Gangadhara Siva
42. Shri Shraddhakar Supakar
43. Shri Shiva Dutt Upadhyaya
44. Shri Atal Bihari Vajpayee
45. Shri Balkrishna Wasnik.

## REPORT OF THE JOINT COMMITTEE

1. On behalf of the Joint Committee to which the Bill\* to provide for free and compulsory primary education for children in the Union territory of Delhi was referred, I, having been authorised by the Joint Committee present on their behalf, this their report with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in the Rajya Sabha on the 10th March, 1960. The motion for reference of the Bill to a Joint Committee of the Houses was moved on the 12th April, 1960, by Dr. K. L. Shrimali (Minister for Education) and was adopted by the House on the 14th April, 1960.

3. The Lok Sabha discussed the said motion on the 27th and the 28th April, 1960 and concurred in it on the 28th April, 1960.

4. The message from the Lok Sabha was reported to the Rajya Sabha on the 29th April, 1960.

5. The Committee held seven sittings in all.

At its first sitting held on the 2nd May, 1960, the Committee decided that a press communique be issued advising interested parties and individuals to send memoranda on the Bill for consideration of the Committee by the 25th May, 1960, which date was extended to 18th June 1960, at the second meeting of the Committee held on Friday, the 27th May, 1960.

At this second meeting the Committee decided to request the following authorities and association to send their views on the Bill:—

- (i) Delhi Municipal Corporation
- (ii) New Delhi Municipal Committee
- (iii) Delhi Cantonment Board
- (iv) Delhi Teachers' Association
- (v) Union Territory Administrations.

The Committee then took up consideration of the Bill, clause by clause, and completed such consideration at its sixth meeting held on the 1st July, 1960.

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\*Published in Part II, Section 2, of the Gazette of India Extraordinary, dated the 10th March, 1960.

The Committee considered and adopted the draft Report on the 4th August, 1960.

Six Memoranda commenting on the provisions of the Bill were received by the Committee from different associations and authorities (as mentioned in Appendix III) and the same were circulated to Members.

6. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs:—

*Clause 2—*

(i) *para (g) [original para (h)]*

The definition of “parent” has been simplified.

(ii) *para (i) [original para (j)]*

The Committee are of the opinion that it should be expressly provided in the definition of “primary education” that such education should not extend beyond the eighth standard. The definition has, therefore, been suitably amended.

*Clause 3*

(i) *Sub-clauses (1) and (2)*

These sub-clauses have been revised so as to bring out more clearly the duty of the local authority to provide, and for that purpose submit a scheme to the State Government, for primary education for children ordinarily resident within its jurisdiction.

(ii) *sub-clause (5) (original)*

The sub-clause has been deleted as unnecessary.

*Clause 4*

*Sub-clause (1)*

The changes made are of a drafting nature.

*Clause 5 (original clause 19)*

The changes made are of a consequential nature due to the adoption of a new clause 17 in the Bill.

*Clause 6 [sub-clause (2) of original clause 5]*

The Committee feel that provision should be made for the revision from time to time of the list of children prepared under this clause. The clause has therefore been modified suitably.

*Clause 7 [sub-clauses (1) and (3) of original clause 5]*

The changes made are of a clarificatory and drafting nature.

*Clause 8*

The Committee feel that reference to clause 13 (original clause 8) in this clause is superfluous. The clause has, therefore, been amended suitably and reference to clause 13 has been omitted.

*Clause 10 (original clause 7)*

*Sub-clause (1) of original clause 7*

*(i) Para (b) of sub-clause (1) of original clause 7.*

This para has been deleted as the Committee feel that it may be misconstrued. This deletion will, however, not affect the legal position.

*(ii) Para (f) of sub-clause (1) of original clause 7.*

The Committee is of opinion that provision regarding "temporary leave of absence" and similar other matters of details may be provided for in the rules. The para has, therefore been deleted.

*(iii) Para (f) (new)*

As a consequence of deletion of para (f) of original clause 7(1) the new para (f) has been added.

*Clause 11*

*Sub-clause (2) of original clause 7*

The amendments made are of a drafting and consequential nature.

*New clause 12*

The Committee feel that under the present day conditions in the country it may not always be possible due to economic or other circumstances for parents to send their children to full-time schools and that provision should therefore be made for part-time schools in which such children could be imparted primary education. The new clause provides for such part-time schools.

*Clause 16 (original clause 11)*

The changes made are of a drafting nature.

*New clause 17*

The Committee feel that if a local authority fails to prepare and submit a scheme under clause 3(2) of the Bill or fails to give effect to a scheme sanctioned under clause 3(4) of the Bill by the State Government, the State Government should be empowered to appoint any person to prepare the scheme or to give effect to it, as the case may be. The new clause makes provision in this behalf.

*Clause 18 (original clause 12)*

The Committee is of the view that the fine imposed for the contravention of the provisions of clause 13 should not be more than fifty rupees a year in respect of any child. The proviso to sub-clause (1) has been accordingly amended.

*Clause 20 (original clause 14)*

The Committee are of the opinion that the offences under the Bill should be tried in a summary manner. A new sub-clause has accordingly been added.

*Original clause 18*

In the opinion of the Committee the provisions of the Bill should apply to all persons or classes of persons residing in the Union territory of Delhi and no provision should find a place in the Bill which empowers the Government to exempt any person or class of persons from the purview of the Bill. The clause which gave such power of exemption has, therefore, been deleted.

*Clause 25 (original clause 21)**Sub-clause (2)*

Apart from consequential changes, the rule making power has been elaborated to include provision regarding establishment of special schools or part-time schools and for the supply of food, books, uniform etc. to children while attending schools.

7. The Committee recommend that the Bill as reported be passed.

NEW DELHI;  
August 4, 1960,

A. R. WADIA.

## Minutes of Dissent

### I

Clause 12 is a new Clause. This clause provides for children, who in the opinion of the Attendance Authority, cannot, on account of economic or other circumstances, attend full-time schools, with an alternative to attend schools where part-time Primary education is imparted. Thus, compulsion in such cases is limited to part-time attendance. On the surface, this clause appears to be beneficial and even necessary. But on careful consideration one would come to discover it to be injurious to the very category of children for whose benefit it is intended. It will even be found that it may produce harmful results which have far reaching effects. In my opinion, this clause is well-meant but misconceived.

I will briefly attempt here to examine the clause in all its bearings.

Now for whom is compulsion in Primary education necessary? Compulsion is surely not needed for children of parents who have received benefits of education or know that education has many blessings to give and who can afford to send their children to full time schools. They are sending their children now and they will continue to do so in future. Therefore, compulsion is needed for those who are either ignorant of the blessings of Education or whose poverty does not afford them the means to equip such children for school going. It is precisely for such class of persons that compulsion should be resorted to. Now, by providing part-time education as in Clause 12 what we do is to narrow down this compulsion for attendance of an hour and a half or so each day and for 3 days in the week as is supposed to have been contemplated. It cannot be for a longer time or for more days in the week because you have to allow the child to do its domestic or other work each day. Now the first question that arises is whether any real instruction can be imparted on such part-time basis. While it is possible to conceive useful part-time education at higher stages, in my opinion, it would not do the child much good and no instruction worth the name can be imparted on part-time basis at the Primary stage. I have not heard of part-time education at the primary stages prevailing in any country.

The other question that arises is whether poverty should be such a handicap for the full-time primary education of such unfortunates.

Considering the facts that over 40 per cent. of the masses are now not in a position to afford the expenses and to lose the utility of their children by sending them for full time school, could it be any satisfaction that we have compulsory primary education in this country only in name? Was this the position and was it such flimsy primary education that was contemplated by the framers of the Constitution when they provided for free and compulsory education under Article 45 of the Constitution?

How far even this part-time instruction which is really an apology for education would be practicable is still another question to be considered. Domestic work alone does not prevent the child from attending full-time school for that work can be done without conflicting with his school time. It is only the farm work or work such as tending cattle or sheep that would not allow the child to go to full-time schools, when a child under the second category after doing this hard work all day in the open field on pasture goes to a part-time school, would it be in a fit condition to sit for learning lessons in the evening and for how long? So, this category of children who attend part-time primary schools do so only for escaping from the provisions of this Bill, with no benefit to themselves in the matter of receiving education.

One other point is that the Attendance Authority gets too much power into his hands. It has to be taken note of whether it is desirable under the existing conditions. Such of those who concede the position taken by me so far may still say that such part-time schools may be just exceptions to the rule and may not be many in the country. I am afraid that this is too complacent a position to take. This would become clear when we take into account the heavy burdens that the working of this Bill would impose on the local authorities, State Governments and the Central Government. The former two will not be too eager to take upon themselves such heavy burdens. In such an event, clause 12 comes to them as an escape valve. If this should happen, it would be a tragedy to the country.

It is true that many parents cannot afford the expenses of the Primary education for their children in the sense of equipping them for school going and it is also true that there are many who cannot afford to lose their services which such children do give to them. The local authorities or the State in such cases has to create a machinery with their own and also voluntary efforts to overcome these difficulties and help such parents to give their children full-time primary education at least. This should be the endeavour rather than to allow such difficulties to triumph over and to perpetuate illiteracy or poor literacy in this country. As long as clause 12 is



there financially embarrassed local authorities and State authorities and poor parents who are in difficulties would take shelter under the clause, and should this be so, the title of the Bill will have little meaning and the Bill itself will not have much good to give, to the vast illiterate masses.

NEW DELHI;

M. GOVINDA REDDY,

*The August 4, 1960.*

## II

It is, of course, gratifying to note that the Government has decided to introduce free and compulsory primary education in the Third Five Year Plan. In pursuance of the said decision, the Government has introduced the Delhi Primary Education Bill, which, besides its main purpose in regard to Delhi, will also serve as a model Bill for States as in the matter of education which is a State subject, the States shall have to initiate such Bills on the eve of the Third Five Year Plan. Article 45 of our Constitution lays down the mandatory provision of free and compulsory education for all children until they complete the age of 14 years as a directive principle of the State policy and the time limit for its implementation was 10 years which has elapsed long ago. Even after this long time the Government now wishes to implement it in a modified form by restricting it to the primary stage and limiting the age-group also from 6 to 11 years.

There are no two opinions about the necessity and urgency of introduction of free and compulsory primary education. But the main problem which stands in the way of its implementation is the deplorable economic condition of the masses. Sustenance of life is of prime importance to human beings. Education, although, is a part of the developmental wing of the humanity, still it comes next to the bare necessity of existence. So the problem of education becomes much more formidable, when the masses are found to be starving. I do not discourage or dismiss the scheme of imparting atleast primary education to millions of illiterate people of our country, but I want to face the reality as I most fervently welcome the idea and desire its successful implementation. Though education is said to be free, still by making it compulsory we not only take away the help that is being rendered by these young boys to their families but impose some indirect financial burdens on the guardians. It is known to all that both in rural and urban areas, the children of poor people belonging to this age-group supplement the earnings of their families, some time directly by earning through work and sometimes indirectly

by rendering help to their guardians specially in the matter of cultivation, etc. So the best solution could have been to help the guardians with some finance. If that is not possible, the next way out is to help the guardians atleast in kind, in the shape of supplying mid-day milk, text books and writing-articles and clothes and uniforms, if possible, to their children. If these minimum amenities are not provided to these children who are compelled to earn by the sweat of their brow even at this young age, I do not know if the implementation of the scheme will at all be feasible. I am sorry to state that no such provision has been included in this Bill and these things have been relegated to the rule-making province which do not bind the States for incorporation in their Bills, which, I consider, is the greatest lacuna in this Bill.

Secondly, the responsibility of implementing this scheme, specially the financial portion of it, has been apportioned between the Centre, States and local authorities. So, there is every chance of a hide-and-seek play between these authorities in order to avoid their respective financial responsibility. Specially the local authorities on whom the initiative has been left, have proved to be undependable agencies and both the initiation and implementation of the scheme should not have been left to their sweet will as they would rarely agree to take up the responsibility *suo moto* due to their slender means. In West Bengal a large number of municipalities are superseded every year due to bad administration and financial bankruptcy. In the rural areas I do not know who would play the role of Local Authorities. In any case, I am apprehensive of the capability of this agency that is the local authority which has been asked to bear the burnt of this most difficult task of implementation.

Lastly, the existence of two types of primary schools, one public and another private, is not only undesirable but also not healthful. So a uniform standard in the matter of education should be maintained every where both in public and private schools. It is said that the private schools are in a position to give better type of education and the people who are better off can have better type of education in the schools. But I consider it as a sorry state of affairs. On the contrary, the public schools should serve as model or ideal institutions in order to invoke confidence in the minds of the people which in turn will induce them to send their wards voluntarily to receive primary education. So, I strongly object to the maintenance of this qualitative difference at least in the sphere of primary education by retaining two sets of standards in two sets of schools. In order to give better education, not only the schools should be well-equipped, but also the teachers should be properly trained and their salaries

should be of worry-free-standard. Merely placing the law of compulsory primary education on the statute book and making it applicable to a given age-group in a given area is comparatively far easier than its effective and economical implementation in the right spirit.

AUROBINDO GHOSAL,

NEW DELHI;

August 4, 1960.

### III

We have carefully considered the final draft of this Bill as it emerges from the Joint Committee. We are happy to note that many of the suggestions we made during the stages of discussion have been incorporated in the Bill. As such it merits our support.

There are some points however, to which we desire to draw pointed attention. They are:—

1. Clause 13 empowers the attendance authority to consider, decide and direct guardians and compel them to send their wards to schools. But there is no provision in the Bill for appeal against such an order. We feel that some kind of provision of that nature should find a place in the Bill so as to meet the ends of justice.

2. Clause 14 forbids employment of a child "in a manner which shall prevent the child from attending an approved school". We are constrained to note that an eventuality in which the hours of school attendance and of work happen to be the same is not foreseen. For, it is a matter of common knowledge that the school hours as a rule, are between 11 A.M. and 5 P.M. But the same are the working hours in small work-houses. Is then the child to be forced to lose his job to attend the school even if it cannot afford to maintain itself without it? In such an event, shift-system classes had to be provided for; so that the child is enabled to attend to both i.e. his work place and school.

3. We are very much critical of the language and the provisions of Clause 25 which leaves loop-holes to evade or circumvent some provisions contained in para (b) of sub-clause (2) of that clause. For example, clause 25(1) should have been made peremptory by using the word 'shall' instead of 'may' as in the first line. This leaves option to the State Government to make (or not to make) rules to carry out "the purposes" of this Act. Then again, sub-clause (2) of the same clause leaves it to the discretion of the State Government

to provide for matters indicated in paras (a) and (b) under it. The words employed in the clause [25(2) lines 2-3] are "*may provide for all or any of the following matters.....*".

If such a discretion was permitted, primary education would come to be variously defined. In some places it may mean this class and in others that class. There will thus be no uniformity.

4. We consider that provisions under clause 25 (2) (b) ought to be made peremptory. It was felt that a separate clause should be added making provision in regard to supply of noon-meals, books, writing materials, uniforms and other amenities to poor and needy children while attending the school. We were of the opinion that a distinctive clause as forming part of the Bill, making it compulsory to provide these amenities should be added. We were however assured that it would serve the purpose if a clause directing the State Government to frame rules in this behalf was incorporated in the Bill. We had then thought that the rules would make it incumbent on State Government to provide for all that is mentioned in (a) and (b) of that clause. We are frustrated to find that the draft leaves it to discretion to make rules for all *or any* of the provisions listed in (b) of that clause.

5. If our education is to be universal and compulsory for certain age-groups, it has to take cognisance of the prevailing abject poverty and the compulsion on young children to earn their livelihood or even aid their families by working for wages. Instances are not scarce in this country where a child in teens is the only pillar of his infirm parents or guardians. In such an event, if the child is to be forced by law to attend a school, some kind of relief by way of a stipend has to be made for his destitute guardian and the child himself. We have noticed that this eventuality has been taken note of in a very indirect way as in paras (e) and (f) of clause 10. We had desired it to be made more direct. Therefore, we press for clear expression by replacing "*may*" with "*shall*" and deleting "*Or any*" in clause 25 (1) and (2) and inserting a clause regarding the stipend or relief.

Even so, the Bill in so far as it goes, is doubtlessly a socially useful measure. In the words of the late Mr. G. K. Gokhale, "the well-being of millions upon millions of children who are waiting to be brought under the humanising influence of education depends upon it". For, "even if the advantage of elementary education be put no higher than a capacity to read and write, its universal diffusion is a matter of prime importance; for literacy is better than illiteracy any day, and the banishment of a whole peoples' illiteracy is no mean achievement".

We are happy that in spite of its short-comings as we have shown above, this Bill aims at fulfilling the hope which Mr. Gokhale voiced forty years ago. In that consideration, we support the Bill and hope the House will give its accord to it.

LALJI PENDSE,

P. K. VASUDEVAN NAIR,

DEVULAPPALI VENKETSWAR RAO,

NEW DELHI;

August 4, 1960.

#### IV

It is to be regretted that while the Constitution requires the State to endeavour to provide free and compulsory education to all children upto the age of fourteen by 26th January, 1961, the Union Government has not so far provided for free and compulsory education even to the children of the age group 5—11 in Union Territories directly under its charge. It is further to be regretted that even in this Bill it is not contemplated that free and compulsory education upto the age of fourteen shall be provided at an early date to all children residing in the Union Territory of Delhi.

In para (i) of clause (b) of Article 2, it is said that primary education means education upto such class or standard, not beyond the eighth class or standard, as may be prescribed. The provision as it stands gives to the rule prescribing authority free hand to determine any lower limit of education. It will be advisable to lay down in the Act that the primary education will not be in class or standard below the fifth class or standard. So I propose that in para (i) of clause (b) of Article 2 the following words be added at the end:

“Provided that it shall not be below the fifth class or standard.”

In many countries education provided in the period of full-time compulsory education is supplemented by a part-time education for those who wish to terminate their education at the period of full-time compulsory education. But there is hardly any country in mid-twentieth century which allows the conversion of full-time compulsory education into part-time compulsory education. Article 12 of the Bill as amended by the Joint Committee which intends to provide for part-time education in lieu of full time primary education hardly deserves the support of the Parliament. This provision may be so misused by ignorant poor people with the concurrence of the attendance authority that part-time education may become general, if not

universal, for certain classes of children. Even today, instruction imparted in full time primary schools of local authorities available to the children of poorer sections of the Community is much below standard. If this full time education is converted into part-time education, children of poorer classes of the community will hardly have any instruction in the name of education and the whole spirit of universal common education may be killed.

Adequate provision of free education to all children upto the age of fourteen requires huge expenditure. And it cannot be met by local authorities, unless a major part of the recurring and non-recurring cost is borne by the Government. If the system of matching grant is adopted by the Government under clause 5 of the Bill, the proposed scheme will hardly be brought into operation in many areas.

In the end it may be pointed out that by usage primary education has acquired certain meaning which does not cover education upto the age of fourteen as contemplated in the Indian Constitution and in this Bill. It will, therefore, be advisable to call it "Universal education" and make consequential changes in the Bill.

MUKUT BEHARI LAL,

NEW DELHI;  
August 6, 1960.

I regret my inability in agreeing fully with the Joint Committee report and give below my minute of dissent.

A law to make primary education compulsory must first make adequate legal provision for compulsion in respect of those children, who on account of abysmal poverty are forced to devote some hours everyday in helping their parents in making both ends meet. Although clause 21 (2) (b) provides for making rules for "the steps to be taken for providing necessary facilities for imparting compulsory primary education..." it would have been better if something specific had been incorporated in the Bill itself to help earning children to attend schools. Since the Bill contains some penal provisions which are likely to prove ineffective against indigent parents with children helping them earn their livelihood, a positive approach to such cases is essential from the very beginning, may even before sanctioning a scheme for compulsory education under clause 3.

Unlike in most states, Delhi not merely tolerates tent schools, but tent schools are apparently considered quite fashionable in Delhi.

Even the limited number of schools are reported to be overcrowded. We learn that there are only 566 schools under Delhi Corporation and the total number of children of age group 6—11 is reported to be 2,64,508. If we take 40 as the maximum (not the optimum) number of children that a primary class should have, an average primary school should not have more than 200 pupils on the roll and this would require at least 1323 schools for Delhi. Consequently Delhi should have at least 757 primary schools more than the present number before primary education is made compulsory at the beginning of the next academic year. The Government should assure the Parliament that they are making necessary provision for the same.

Then there is the question of children of those linguistic groups, which have not primary schools in Delhi. Primary education should be imparted through the mother-tongue of a child and the Constitution of India makes due provision for it. But if this provision is not to remain a pious platitude, adequate provision has to be made to establish schools for children of such linguistic groups which have no primary schools in Delhi. I strongly believe that the Government will establish or give adequate help in establishing primary schools for linguistic groups like Oriya and Assamese.

SHRADDHAKAR SUPAKAR.

NEW DELHI;

August 6, 1960.

## THE DELHI PRIMARY EDUCATION BILL, 1960

### ARRANGEMENT OF CLAUSES

#### CLAUSES

1. Short title, extent and commencement.
2. Definitions.
3. Schemes for primary education.
4. Primary education to be compulsory in areas covered by schemes.
5. Grant-in-aid.
6. Duty of local authority to prepare lists of children.
7. Attendance authorities.
8. Attendance authority to notify parent of his obligation towards his child.
9. Responsibility of parent to cause his child to attend school.
10. Reasonable excuse for non-attendance.
11. Special schools for physically or mentally deficient children.
12. Special provision for part-time education in certain cases.
13. Attendance orders.
14. Children not to be employed so as to prevent them from attending school.
15. Primary education to be free.
16. Age of child how to be computed.
17. Failure of local authority to prepare or implement scheme.
18. Penalty for contravention of section 13.
19. Penalty for contravention of section 14.
20. Courts competent to try offences.
21. Cognizance of offences.
22. Certain persons to be public servants.
23. Protection of action taken in good faith.
24. Delegation of powers.
25. Power to make rules.
26. Repeal of Punjab Primary Education Act.



**Bill No. VI-B of 1960.**

**THE DELHI PRIMARY EDUCATION BILL, 1960**

[AS REPORTED BY THE JOINT COMMITTEE]

[Words underlined or sidelined indicate the amendments suggested by the Committee; asterisks indicate the omissions.]

A

**BILL**

*to provide for free and compulsory primary education for children in the Union territory of Delhi.*

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Delhi Primary Education Act, 1960. Short title, extent and commencement.

(2) It extends to the Union territory of Delhi.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,— Definitions.

(a) “academic year” means the year beginning on such date as a local authority may specify with respect to any specified area or with respect to approved schools generally or any approved school or class of approved schools in particular within its jurisdiction;

(b) “approved school” means any school in any specified area within the jurisdiction of a local authority imparting primary education which—

(i) is under the management of the State Government or the local authority, or

(ii) being under any other management, is recognised by the local authority as an approved school for the purposes of this Act;

(c) "attendance authority" means any person appointed to be an attendance authority under section 7;

(d) "to attend an approved school" means to be present for instruction at an approved school on so many days in a year and at such time or times on each one of those days as may be fixed by the local authority concerned;

(e) "child" means a boy or girl within such age group, not being less than six or more than fourteen, as may be specified in a declaration made under section 4;

\* \* \* \* \*

(f) "local authority" means the Municipal Corporation of Delhi, the New Delhi Municipal Committee and the Delhi Cantonment Board;

(g) "parent", in relation to any child, includes a guardian and every person who has the actual custody of the child;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "primary education" means education up to such class or standard, not beyond the eighth class or standard, as may be prescribed;

(j) \* \* \* \* "rural areas" shall have the meaning \* \* \* \* assigned to it in section 2 of the Delhi Municipal Corporation Act, 1957;

66 of 1957.

(k) "special school" means any institution which imparts such primary education as is in the opinion of the State Government suitable for children suffering from any physical or mental defect;

(l) "specified area" means any area within the jurisdiction of a local authority in which primary education is declared by that authority to be compulsory under section 4.

Schemes for  
primary  
education.

3. (1) It shall be the duty of every local authority to provide for compulsory primary education for children ordinarily resident within its jurisdiction, and for this purpose it shall, from time to time, submit to the State Government such proposals in the form of a scheme as it may think fit providing for such compulsory primary education in the whole or any part of the area within its jurisdiction for children of such ages and up to such class or standard as it may decide.

(2) Notwithstanding anything contained in sub-section (1), the State Government may, at any time, call upon a local authority to submit to it within such time as may be specified a scheme for compulsory primary education in such area within the jurisdiction of the local authority for children ordinarily resident therein, and of such ages and up to such class or standard, as the State Government may specify.

(3) The scheme submitted under sub-section (1) or sub-section (2) shall be in such form as the State Government may specify and shall contain the following particulars,—

(a) the area in which primary education shall be compulsory;

(b) the approximate number of children to whom the scheme will apply, classified according to age and mother-tongue;

(c) a list existing approved schools and the schools, if any, proposed to be opened for the purpose, classified by languages in which instruction is given or is proposed to be given;

(d) the number of teachers already employed and the additional staff proposed to be recruited;

(e) the recurring and non-recurring cost of the scheme; and

(f) such other particulars as may be prescribed.

(4) The State Government may, after making such inquiry as it may consider necessary, sanction with or without modifications the scheme submitted by the local authority under sub-section (1) or sub-section (2).

\* \* \* \* \*

4. (1) On receipt of sanction under sub-section (4) of section 3, the local authority shall give effect to the scheme so sanctioned by means of a declaration that with effect from the first day of the next academic year primary education shall be compulsory in any area specified in the declaration for children ordinarily resident in that area and within such age group as may be specified in the declaration.

Primary education to be compulsory in areas covered by schemes.

(2) Every declaration under sub-section (1) shall—

(a) be published in the Official Gazette and in such other manner as the local authority may decide;

(b) be so made as to ensure that there is an interval of not less than one hundred and twenty days between the date of the publication of the declaration and the first day of the next academic year.

Grant-in-aid.

5. The State Government shall, in respect of every scheme sanctioned under sub-section (4) of section 3 or prepared under sub-section (1) of section 17, bear such part of the recurring and non-recurring cost of the scheme as it may from time to time determine.

Duty of local authority to prepare lists of children.

6. It shall be the duty of the local authority to cause to be prepared as early as possible after the publication of a declaration under section 4, and in such manner as may be prescribed, a list of children in any specified area; and the local authority shall cause the list to be revised at such intervals as may be prescribed.

Attendance authorities.

7. (1) The local authority may appoint as many persons as it thinks fit to be attendance authorities for the purposes of this Act, and may also appoint as many persons as it considers necessary to assist the attendance authorities in the discharge of their duties.

(2) In the exercise of any of the powers conferred by or under this Act, the attendance authority or any person appointed to assist the attendance authority may put such questions to any parent or require any parent to furnish such information, about his child as it or he considers necessary, and every such parent shall be bound to answer such questions or to furnish such information, as the case may be, to the best of his knowledge or belief.

Attendance authority to notify parent of his obligation towards his child.

8. It shall be the duty of the attendance authority to notify the parent of every child to whom the declaration under section 4 applies\* \* \* that he is under an obligation to cause the child to attend an approved school with effect from the beginning of the next academic year.

Responsibility of parent to cause his child to attend school.

9. It shall be the duty of the parent of every child to cause the child to attend an approved school unless there be a reasonable excuse for his non-attendance within the meaning of section 10.

Reasonable excuse for non-attendance.

10. \* For the purposes of this Act, any of the following circumstances shall be deemed to be a reasonable excuse for the non-attendance of a child at an approved school,—

(a) that there is no approved school within the prescribed distance from his residence;

\* \* \* \* \*

(b) that the child is receiving instruction in some other manner which is declared to be satisfactory by the State Government or by an officer authorised by it in this behalf;

(c) that the child has already completed primary education up to the class or standard specified in the declaration under section 4;

(d) that the child suffers from a physical or mental defect which prevents him from attendance;

\* \* \* \* \*

(e) that there is any other compelling circumstance which prevents the child from attending school, provided the same is certified as such by the attendance authority;

(f) such other circumstance as may be prescribed.

\* \* \* \* \*

11. If there is in existence a special school within the prescribed distance from the residence of a child who is suffering from a physical or mental defect, the attendance authority may, if it is satisfied that the child is not receiving any instruction in some other manner considered by it to be satisfactory, by order require the child to attend the special school; and it shall be the duty of the parent of such child to cause the child to attend the special school unless there be a reasonable excuse for the non-attendance of the child within the meaning of clause (e) of section 10.

Special schools for physically or mentally deficient children.

12. (1) If the attendance authority is satisfied that a child, due to economic or other circumstances connected with the family to which the child belongs, is unable to attend an approved school in the manner required by or under this Act, it may, by order and subject to such conditions, if any, as it may think fit to impose, permit the child to attend any approved school established as a part-time institution or in which primary education is imparted on a part-time basis.

Special provision for part-time education in certain cases.

(2) Any parent who causes a child in respect of whom an order under sub-section (1) has been made to attend an approved school in the manner specified in the order shall be deemed to have complied with the provisions of this Act.

13. (1) Whenever the attendance authority has reason to believe that the parent of a child has failed to cause the child to attend an approved school and that there is no reasonable excuse for the non-attendance of the child within the meaning of section 10, it shall hold an inquiry in the prescribed manner.

Attendance orders.

(2) If as a result of the inquiry the attendance authority is satisfied that the child is liable to attend an approved school under this Act and that there is no reasonable excuse for his non-attendance within the meaning of section 10, it shall pass an attendance order in the prescribed form directing the parent to cause the child to attend the approved school with effect from the date specified in the order.

(3) An attendance order passed against a parent in respect of his child under this section shall, subject to the provisions of sub-section (6), remain in force for so long as this Act continues to apply to the child.

(4) If any parent against whom an attendance order has been passed in respect of his child under sub-section (2) transfers the custody of the child to another person during the period in which the attendance order is in force, such parent shall be bound to immediately inform the attendance authority in writing of such transfer.

(5) Where an attendance order has been passed against a parent in respect of his child under this section, such order shall have effect in relation to every other person to whom the custody of the child may be transferred during the period in which the attendance order is in force as it has effect in relation to the person against whom it is passed.

(6) A parent may at any time apply to the attendance authority for cancellation of an attendance order on the ground—

(i) that he is no longer the parent in respect of the child; or

(ii) that circumstances have arisen which provide a reasonable excuse for non-attendance;

and thereupon the attendance authority may, after holding an inquiry in the prescribed manner, cancel or modify the attendance order.

14. No person shall employ a child in a manner which shall prevent the child from attending an approved school.

Children  
not to be  
employed  
so as to  
prevent them  
from attend-  
ing school.

15. (1) No fee shall be levied in respect of any child for attending an approved school which is under the management of the State Government or a local authority.

Primary  
education  
to be free.

(2) Where, in respect of any child an attendance order has been passed under section 13 and the only school which he can attend is an approved school under private management falling within sub-clause (ii) of clause (b) of section 2, the local authority shall take such steps as it may think fit for the purpose of ensuring that the primary education which the child is to receive is free.

16. \* The age of a child for the purposes of this Act shall be computed in terms of years completed by the child on or before the first day of the academic year: Age of child how to be computed.

Provided that where the birthday of a child falls on a day not later than sixty days from the first day of the academic year, the birthday shall be deemed to fall on the first day of the academic year for the purpose of computing the age of the child.\* \* \*

17. (1) If any local authority when called upon to submit a scheme under sub-section (2) of section 3 fails so to do, or, after a scheme has been sanctioned under sub-section (4) of section 3 fails to give effect to a scheme as so sanctioned, whether wholly or in part, the State Government may, after making such inquiry as it may consider necessary and after giving an opportunity to the local authority to be heard in the matter, appoint any person to prepare the scheme or to give effect to it, as the case may be, and may direct that such part of the expenses as that Government may determine shall be defrayed out of the funds belonging to the local authority. a Failure of local authority to prepare or implement scheme.

(2) Where any such direction as is referred to in sub-section (1) is issued, any person who has for the time being the custody of any moneys on behalf of the local authority, either as a banker or in any other capacity, shall, notwithstanding anything contained in any law for the time being in force, be bound to comply with such direction.

18. (1) If any parent fails to comply with an attendance order passed under section 13, he shall be punishable with fine not exceeding two rupees, and, in the case of a continuing contravention, with an additional fine not exceeding fifty *naye paise* for every day during which such contravention continues after conviction for the first of such contraventions: Penalty for contravention of section 13.

Provided that the amount of fine payable by any one person in respect of any child in any one year shall not exceed fifty rupees.

(2) If any person fails to furnish any information as required by sub-section (4) of section 13, he shall be punishable with fine which may extend to twenty-five rupees.

19. If any person contravenes the provisions of section 14, he shall be punishable with fine which may extend to twenty-five rupees and, in the case of a continuing contravention, with an additional fine not exceeding one rupee for every day during which such contravention continues after conviction for the first of such contraventions. Penalty for contravention of section 14.

Courts  
competent  
to try  
offences

20. (1) The courts competent to try offences under this Act shall be the following,—

(a) in rural areas to which the Delhi Panchayat Raj Act, 1954 extends, the Panchayati Adalat, constituted under section 50 of that Act, within whose jurisdiction the person committing the offence resides;

(b) in other areas, the court of a magistrate having jurisdiction.

Delhi Act  
III of 1955.

(2) Any offence triable by the Panchayati Adalat shall be tried in the manner provided for the trial of criminal cases by the Delhi Panchayat Raj Act, 1954, and any offence triable by a magistrate shall be tried in a summary way.

Delhi Act  
III of 1955.

Cognizance  
of offences.

21. No court shall take cognizance of an offence under this Act except on the complaint of an attendance authority or any other person authorised in this behalf by the local authority by general or special order.

Certain  
persons to  
be public  
servants.

22. The attendance authority, every person appointed to assist the attendance authority under sub-section (1) of section 7 and every person authorised to make complaints under section 21 shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Protection  
of action  
taken in  
good faith.

23. No suit, prosecution or other legal proceeding shall lie against the Government or any authority or person in respect of anything which is in good faith done or intended to be done under this Act.

\* \* \* \* \*

Delegation  
of powers.

24. (1) The State Government may, by notification in the Official Gazette and subject to such conditions, if any, as may be specified in the notification, authorise any officer or authority subordinate to it to exercise all or any of the powers conferred on the State Government by or under this Act.

(2) A local authority may, by general or special order and with the previous approval of the State Government, authorise any officer or authority subordinate to it to exercise all or any of the powers conferred on a local authority by or under this Act.

Power to  
make rules.

25. (1) The State Government may, by notification in the Official Gazette and subject to the condition of previous publication, make rules to carry out the purposes of this Act.



(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely,—

(a) the class or standard education\*\* up to which shall be considered as primary education;

(b) the particulars to be contained in any scheme submitted under this Act, including particulars relating to the provision made or to be made in any area for the establishment of special schools or of schools imparting primary education on a part-time basis or for the supply of food or refreshments, books, writing materials, uniforms or other necessary amenities, to children while attending school;

(c) the manner in which lists of children may be prepared in any specified area under section 6, the intervals at which the lists shall be kept revised and persons with whose assistance such lists shall be prepared;

(d) the functions to be performed, and the manner in which such functions may be performed, by attendance authorities;

(e) the distance beyond which a child may not be compelled to attend an approved school;

(f) the circumstances which may be regarded as reasonable excuses for the non-attendance of a child within the meaning of section 10;

(g) the manner in which any inquiry under this Act may be held;

(h) the form in which an attendance order under this Act may be passed;

(i) the registers, statements and other information to be maintained or furnished by approved schools for the purposes of this Act;

(j) any other matter which has to be, or may be, prescribed under this Act.

(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry

of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**Repeal of  
Panjab  
Primary  
Education  
Act.**

**26.** On the date on which primary education becomes compulsory in any specified area, the Punjab Primary Education Act, 1940 as in force in the Union territory of Delhi shall stand repealed in such area.

**Punjab Act  
XVIII of  
1940.**

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S. N. MUKERJEE,  
*Secretary.*